

## **NEWS RELEASE**

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District of Columbia Corporation Counsel Robert Spagnoletti  
Illinois Attorney General Lisa Madigan  
New Jersey Attorney General Peter C. Harvey  
New York Attorney General Eliot Spitzer  
Maryland Attorney General J. Joseph Curran Jr.  
Wisconsin Attorney General Peg Lautenschlager**

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### ***SIX STATES AND DISTRICT OF COLUMBIA SUBMIT FOIA REQUEST FOR DOCUMENTS ON CLEAN AIR ACT ROLLBACK***

**Six states and the District of Columbia today submitted Freedom of Information Act requests to the Environmental Protection Agency (EPA), the Department of Energy (DOE) and the White House Council on Environmental Quality for documents relating to the recent rollback of New Source Review (NSR) standards of the Clean Air Act.**

**Connecticut, Illinois, New Jersey, New York, Maryland, Wisconsin, and Washington, D.C., made the requests.**

**Connecticut, 13 other states, the District of Columbia and numerous municipalities sued EPA on October 27 to overturn the new NSR rule, which would allow power plants and other heavy polluters to increase harmful emissions without installing new anti-pollution devices. Under the new rule, a large number of major facility modifications that increase pollution would be classified as "routine maintenance," exempting them from requirements to install pollution control equipment.**

**The FOIA requests seek documents not part of the public record in the decision. Among the materials sought are all communications on the new NSR rule between the agencies and a wide variety of sources, including utilities, energy lobbyists and other government agencies.**

**“Citizens should know about any ties or talks between public officials and special energy interests leading to the most significant sellout of environmental interests in our nation’s history,” Connecticut Attorney General Richard Blumenthal said. “This information is vital to holding officials accountable for the lasting damage to health and natural resources resulting from the NSR rollback. Secrecy and concealment cannot be tolerated. We are determined to find out if Big Energy and its allies drove the decision to gut this key section of the Clean Air Act. We have a right to know how EPA reached this unconscionable decision to sacrifice public health for the financial well being of a few big companies.”**

**“Open government is one of the cornerstones of good government,” District of Columbia Corporation Counsel Robert Spagnoletti said. “The citizens of the nation’s capital and indeed all Americans should know how decisions with critical consequences for their health and safety were reached.”**

**“We have requested this information to make sure we understand what was driving the decisions to craft loopholes that weaken critical clean air protections,” Illinois Attorney General Lisa Madigan said. “Public health is exactly that: public. People in Illinois and across the nation deserve to know who had input as these rollbacks were formulated.”**

**“Rulemaking should be based upon objective facts and should aim to improve the human condition,” New Jersey Attorney General Peter C. Harvey said. “In this case, EPA’s new rule was clearly based on a private agenda, not a public record of factual information. Therefore, we are demanding that EPA disclose all communications it has received from energy companies and industry lobbyists. The public is entitled to know how the Bush Administration took its cues from special interests, rather than the air quality experts who explained the harm that this new rule would cause to our children and our environment.”**

**“By sharply weakening the New Source Review protections of the Clean Air Act and by dropping most NSR enforcement cases, the Bush Administration has sentenced America to suffer more acid rain, more smog, more respiratory disease and more cases of premature death,” New York Attorney General Eliot Spitzer said. “When the federal government takes such an action that so clearly favors special interests over the public interest, we must ask how and why that decision was made.”**

**“EPA recently abandoned a 30-year old agency policy requiring old, air polluting factories to clean up their emissions to modern standards,” Wisconsin Attorney General Peg Lautenschlager said. “We want to know what motivated the EPA to put private profits ahead of public health, and this FOIA request should help answer that question.”**

**The FOIA requests seek communications from: Vice President Cheney’s Energy Task Force, The Edison Electric Institute, The Utility Air Regulatory Group, The National Energy Policy Development Group, The Electric Reliability Coordinating Council, First Energy Corporation, Duke Energy Corporation, Southern Company, Cinergy Corporation, American Electric Power Service Corporation, Dynegy Midwest Generation Inc., Illinois Power Company and Hunton & Williams LLP.**

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